

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN A. RIKER,

Plaintiff,

v.

TODD OVERBO, VICKI J. SEBATIAN,
KELLI R. WELLARD-WEST,
TIMOTHY HAINES, ELLIE RAY,
CHARLES FAKTOR and CHARLES E. COLE,

Defendants.

ORDER

12-cv-696-bbc

Plaintiff Sean Riker was granted leave to proceed in this action on December 4, 2012. On January 14, 2013, defendants answered plaintiff's complaint, raising various affirmative defenses. Now plaintiff has filed a response to the answer in which he replies to several factual statements made in the answer and argues that certain of defendants' affirmative defenses are not valid and states "defendants' demand for dismissal must be denied."

Plaintiff does not need to be concerned: although defendants have raised certain affirmative defenses in their answer, defendants have not filed an actual motion to dismiss. Therefore, plaintiff does not need to reply to the answer. If defendants later file an actual motion to dismiss, then plaintiff will be allowed to respond to that motion. In the meantime, Rules 7(a) and 8(b)(6) of the Federal Rules of Civil Procedure work together to protect plaintiff from defendants' claims in the answer. Because of those rules, this court does not need plaintiff to reply to the answer; instead, the court automatically assumes that plaintiff has denied the factual statements and affirmative defenses raised in that answer.

ORDER

IT IS ORDERED that plaintiff Sean Riker's reply to the answer, dkt 17, will be placed in the court's file but will not be considered.

Entered this 25th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge